

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2018-148-C

July 6, 2018

IN RE: Petition of the South Carolina Office of)	
Regulatory Staff for the Commission to)	MOTION FOR DEFAULT
Order a Rule to Show Cause as to Why)	JUDGEMENT AND ORDER
the Certificates of Public Convenience)	REVOKING CERTIFICATES
and Necessity for Certain Providers of)	FOR FAILURE TO ANSWER
the Telecommunications Services Should)	
Not Be Revoked)	

The South Carolina Office of Regulatory Staff (“ORS”) pursuant to 10 S.C. Code Ann. Regs. § 103-829, 830 and Rule 55 of the South Carolina Rules of Civil Procedure files this Motion for Default Judgment and for an Order Revoking the Certificates of Public Convenience and Necessity (“Motion”) of the Telecommunications Company’s (“Respondents”) identified in the attached Revised Exhibit A based on the Respondents failure to Answer the ORS Petition in this docket. In support of its Motion, ORS asserts that:

1. ORS is a state agency with its offices located at 1401 Main Street, Suite 900, Columbia, South Carolina 29201 and charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10, et seq. (Supp. 2014).

2. The Respondents listed in Revised Exhibit A are certificated “telephone utilities” as defined in S.C. Code Ann. § 58-9-10(6) (2015) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including

all things incident thereto and related to the operation of telephones. Revised Exhibit A also includes wireless carriers which received ETC designation in South Carolina and agreed through a Stipulation to file certain reports with the Commission and/or ORS.

3. The Companies listed in Revised Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-9-710 et seq. (2015). Further, they have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity and/or having requested and received Eligible Telecommunications Designation in the State of South Carolina pursuant to federal and state requirements.

4. On or about April 26, 2018 ORS filed a Petition with the Commission requesting that the Commission revoke the Certificates of Public Convenience and Necessity ("Certificates") of seventeen (17) telephone utilities that had failed to either submit their Gross Receipts Report, 2016 Annual Telecommunications Report, USF Contribution Worksheet and/or pay Gross Receipts Fees pursuant to S.C. Code Ann. §§ 58-3-100, 58-3-540, 58-4-60, 58-9-280(E), 58-9-370, 58-9-370(A), 58-9-390 (Supp. 2014) and the Commission USF guidelines originally approved in Order No. 2001-996 and modified by Order 2016-756.

5. Respondents listed in Revised Exhibit A were named, and served with, the ORS Petition in this docket.

6. On May 7, 2018, the Commission issued a Thirty Day Notice ("Notice") instructing the Respondents to file an Answer with the Commission responding to the allegations in the ORS Petition and to serve a copy of such Answer on ORS. The Notice advised Respondents that if an Answer was not filed within thirty days after service, exclusive of the day of service, ORS would be permitted to apply to the Commission for the relief demanded in the Petition.

7. The thirty-day deadline for filing an Answer set in the Notice dated May 7, 2018 has since passed and none of the seven (7) Respondents listed in Revised Exhibit A have filed any form of responsive pleading with the Commission. Pursuant to Rule 55(a) of the S.C. Rules of Civil Procedure, “when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default upon the calendar.” In the instant matter, the Commission properly served the Respondents at the addresses of their principal places of business which Respondents have provided to ORS and the Commission.

8. Respondents to this Motion have failed to file a responsive pleading, or make required payment, or submit required reports.

9. 10 S.C. Code Ann. Regs.103-830(A)(2) (2012) provides that if a defendant fails to timely file an answer, unless an extension is granted, the defendant is deemed in default and all relevant facts are deemed admitted. No extension of time for filing an Answer has been requested by any of the Respondents in this matter. ORS therefore requests that the Commission enter an Order for default judgment against the named Respondents to this Motion.

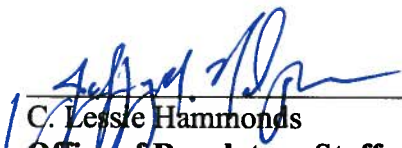
WHEREFORE, the ORS respectfully requests that the Honorable Commission:

1. Enter an Order finding that the Respondents named herein as specified in the attached Revised Exhibit A are in default in this matter and granting the relief demanded in the ORS Petition;

2. Provide in such Order that the Certificates of the Respondents Blue Jay Wireless, LLC, Business Discount Plan, Inc., ComTech21, LLC, Encompass Communications, LLC, Ethel

Bryant dba Mr. Telephone, Roman LD, Inc., and Vitcom, LLC are revoked as demanded in the ORS Petition; and

3. For other appropriate action which the Commission may deem necessary.

for 
C. Leslie Hammonds
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

July 6, 2018

Columbia, South Carolina

Docket No. 2018-148-C

Telephone Utilities that have not filed Gross Receipts Report, Annual Report, SC USF Contribution Worksheet, and Paid Gross Receipts Fees

(An X indicates the report or payment was not received by the Office of Regulatory Staff or DOR)

Company Col. A	Gross Receipts Report Col. B	Gross Receipts Payment Col. C	Annual Report Col. D	USF Work sheet Col. E	Certificate Type Col. F	Address Col. G	Docket # Col. H	Order # Col. I	Entity Status Col. J	Agent Col. K
Blue Jay Wireless, LLC			X		Wireless ETC	4240 International Pkwy, Ste 140 Carrollton, TX 75007	2012- 390-C	2013- 167	Good Standing	COGENCY GLOBAL INC. 2 OFFICE PARK COURT SUITE 103 COLUMBIA, South Carolina 29223
Business Discount Plan, Inc.	X		X	X	IXC	1 World Trade Center, Ste 800 Long Beach, CA 90831	1996- 257-C	1997- 127	Good Standing	NATIONAL REGISTERED AGENTS, INC 2 OFFICE PARK COURT SUITE 103 COLUMBIA, South Carolina 29223
ComTech21, LLC			X		CLEC & IXC	One Barnes Park South Wallingford, CT 06492	2000- 306-C & 2004- 054-C	2001- 226 & 2004- 312	Good Standing	INCRP SERVICES, INC. 317 RUTH VISTA ROAD LEXINGTON, South Carolina 29073

Docket No. 2018-148-C

Telephone Utilities that have not filed Gross Receipts Report, Annual Report, SC USF Contribution Worksheet, and Paid Gross Receipts Fees

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Encompass Communications, LLC				X	IXC	119 W Tyler St, Ste 286 Longview, TX 75601	2000- 598- C	2001- 1096	Dissolved	C T CORPORATION SYSTEM 2 OFFICE PARK CT STE 103 COLUMBIA, South Carolina 29223
Ethel Bryant dba Mr. Telephone	X				Payphone Service Provider	1150 Glover St Orangeburg, SC 29115	1985- 150-C	2001- 1012	Dissolved	COLA BRYANT 120 CHURCH ST ORANGEBURG, South Carolina
Roman LD Inc.		X			IXC	2300 Valley View Ln, Ste 730 Irving, TX 75062	2011- 432-C	2012- 201	Forfeited	NATIONAL REGISTERED AGENTS, INC. 2 OFFICE PARK COURT SUITE 103 COLUMBIA, South Carolina 29223

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Vitcom LLC	X				CLEC & IXC	1425 37th St Ste 210 Brooklyn, NY 11218	2015- 238-C	2015- 766	Good Standing	INCORP SERVICES, INC. 317 RUTH VISTA RD LEXINGTON, South Carolina 29073

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IN RE: Petition of the South Carolina Office of)
Regulatory Staff for the Commission to)
Order a Rule to Show Cause as to Why the)
Certificates of Public Convenience and) **CERTIFICATE OF SERVICE**
Necessity for Certain Providers of the)
Telecommunications Services Should Not)
Be Revoked)

This is to certify that I, Vicki L. Watts, have this date served one (1) copy of the **MOTION FOR DEFAULT JUDGMENT AND ORDER REVOKING CERTIFICATES FOR FAILURE TO ANSWER** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Blue Jay Wireless, LLC
4240 International Pkwy
Suite 140
Carrollton, Texas 75007

Ethel Bryant d/b/a Mr. Telephone
1150 Glover Street
Orangeburg, SC 29115

Business Discount Plan, Inc.
1 World Trade Center
Long Beach, CA 90831

Roman LD, Inc.
2300 Valley View Lane
Suite 730
Irving, Texas 75062

ComTech21, LLC
One Barnes Park South
Wallingford, CT 06492

Vitcom, LLC
1425 37th Street
Suite 210
Brooklyn, NY 11218

Encompass Communications, LLC
119 W. Tyler Street
Suite 286
Longview, Texas 75601


Vicki L. Watts

July 6, 2018
Columbia, South Carolina